

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

**ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,
Plaintiff,**

Case No: 1:05-CV-0638

v.

**LOCAL 951, UNITED FOOD AND
COMMERCIAL WORKERS
INTERNATIONAL UNION,
Defendant.**

**Hon. George Caram Steeh
United States District Judge
Hon. Joseph G. Scoville
Magistrate Judge**

STIPULATION OF SETTLEMENT AND ORDER

Plaintiff, Elaine L. Chao, Secretary of Labor, United States Department of Labor ("Secretary" or "Plaintiff"), having filed her complaint and Defendant, Local 951, United Food and Commercial Workers International Union ("Local 951," "Defendant" or the "Local Union"), having appeared by counsel and having answered, and in order to resolve this action without the necessity of further litigation, the parties stipulate and agree as follows:

1. Plaintiff brought this action under Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (Act of September 14, 1959, 73 Stat. 519, et seq., 29 U.S.C. § 401, et seq.), hereinafter referred to as the Act, requesting a judgment declaring that Local 951's elections for the offices of President, Vice President #30 Central Region, Vice President #35 Central Region, and Vice President #40 Central Region, which were concluded on September 7, 2004, be declared void and requesting that a new election for those offices be conducted under the supervision of the Plaintiff.

2. Plaintiff alleged that violations of Title IV of the Act (29 U.S.C. § 481, et seq.) had occurred and had not been remedied at the time of the institution of this action.

Local 951 denies the violations alleged.

3. Plaintiff and Local 951 agree to entry of an order directing that the next regularly scheduled election of officers of Local 951, including nominations, be conducted under the supervision of the Secretary, to be concluded on or before July 31, 2007. It is further stipulated that:

- a. The election will be conducted by mail ballot;
- b. Nominations for office shall take place at nomination meetings at various locations in the geographic area covered by Local 951. Provision will be made for nominations of eligible members not in attendance at the nomination meetings so long as members so nominated shall indicate in writing acceptance of their nomination for office;
- c. The supervised election shall be conducted in accordance with Title IV of the Act (29 U.S.C. § 481, et seq.) and, insofar as lawful and practicable, in accordance with the Bylaws of Local 951 and the Constitution of the United Food and Commercial Workers International Union and the decisions of the Secretary with regard thereto shall be final, subject to review by the Court; and
- d. The individuals elected to office in the supervised election shall begin their terms of office on January 1, 2008, in accordance with the Bylaws of Local 951 and the Constitution of the United Food and Commercial Workers International Union, and shall serve until the expiration of their terms of office on December 31, 2010.

4. This order is in settlement of the instant litigation and is not intended and should not be construed as an admission by Local 951 that Local 951 or any of its officers or employees or agents violated Title IV of the LMRDA.

5. The Court shall retain jurisdiction of this action, and after completion of the supervised election, Plaintiff shall certify to the Court the name of the persons so elected, and that such election was conducted in accordance with Title IV of the Act, and insofar as lawful and practicable, in accordance with the provisions of the Defendant's Bylaws and the Constitution of the United Food and Commercial Workers International Union.

Upon approval of such certification, the Court shall enter a Judgment declaring that such persons have been elected as shown by such certification, and further, that each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

SO ORDERED.

Dated: May 7, 2007

s/Jonathan D. Karmel
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s/George Caram Steeh
United States District Judge

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